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CHAPTER 13 STANDING TRUSTEE
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

CHAPTER 13

DESMOND GUMBS

CASE NO. 17-42072 CN 13

Debtor,

**DECLARATION OF LEG G.
SPANOS IN SUPPORT OF
TRUSTEE'S MOTION TO DISMISS
FOR VIOLATION OF DEBT
LIMITS PURSUANT TO 11 U.S.C.
§109(e)**

I, Leo G. Spanos, declare as follows:

1. I am an attorney duly admitted to practice before the United States District Court for the Northern District of California.
2. I know the following of my own personal knowledge and could and would competently testify thereto if called upon to do so.
3. I am Staff Attorney for Martha G. Bronitsky, the Chapter 13 Standing Trustee in the Oakland Division of the United States Bankruptcy Court for the Northern District of California.

- 1 4. I prepared “Trustee’s Motion to Dismiss for Violation of Debt Limits
2 Pursuant to 11 U.S.C. §109(e)” based on personal review of the Debtor’s
3 schedules.
- 4 5. The unsecured portion of a secured debt (the amount by which the
5 debt is greater than the value) is treated as unsecured debt for
6 purposes of eligibility under §109(e). See *Scovis v. Henrichsen (In*
7 *re Scovis)*, 249 F.3d 975, 983 (9th Cir. 2001).
- 8 6. In this case, the Debtor is over the secured debt limits contained in
9 §109(e) based on schedule D (doc. #14, page 11) and the Abstract of
10 Judgment (the “Debt”) attached to Creditor Randolph Bush’s objection to
11 confirmation (doc. #26).
- 12 7. The Debt totals \$850,624.71 and the secured claim of SLS on schedule D
13 is \$780,000 (after subtracting the unsecured portion of \$220,000) which
14 places the Debtor above the secured debt limit of \$1,184,200 contained in
15 11 U.S.C. §109(e).
- 16 8. Neither SLS’s claim nor the Debt is listed as contingent or unliquated.
- 17 9. The fact that the debts are listed as “disputed” is irrelevant for purposes
18 of the §109(e) because this section does not exempt “disputed” debts.
- 19 10. This individual is not eligible to be a debtor because the
20 secured claims are greater than the limit in §109(e) of
21 \$1,184,200.

1 I, Leo G. Spanos, declare under penalty of perjury that the foregoing is true and
2 correct to the best of my information and belief.

3 Executed in Hayward, California on October 18, 2017.

4 /s/Leo G. Spanos 5909

5 Leo G. Spanos, Esq.

6 Staff Attorney to Martha G. Bronitsky, Esq.

7 Chapter 13 Standing Trustee
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